

IN THE UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA,)

Plaintiff,

v.

**MONETA CAPITAL
CORPORATION**

Defendant.

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) **Civil Case No. 99-565L**
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ORDER

This matter having come on for hearing on the Motion (the “Motion”) of Nancy Troy Lovett, the Nancy Troy Lovett Self-Directed Individual Retirement Account, and the Raul Lovett Marital Trust (the “Lovetts”) To Authorize Purchase Of Participation Interest, Or, In The Alternative, Transfer Ownership Of Real Property and the Response or, in the alternative, Cross Motion of the Receiver filed by the United States Small Business Administration in its capacity as the Receiver (the “Receiver”) of Moneta Capital Corporation

IT IS HEREBY ORDERED

1. That the Motion is granted with respect to the request to authorize the Receiver to purchase the Lovetts’ participation interests (the “Lovetts’ Participation Interests”) in the syndicated loan secured by 124 acres of land in Warwick, Rhode Island (the “Rocky Point Property”).

2. That the sale to the City of Warwick of that certain parcel of real property consisting of forty-one acres conveyed by the Receiver to the City of Warwick on December 31,

2007, known as Assessor's Plat 380, Lot 287 (the "City Parcel") located in the City of Warwick is no longer subject to a reconveyance and is hereby deemed final in all respects with the City of Warwick holding fee simple ownership of the City Parcel, and the Receiver is hereby permitted to pay from the proceeds of such sale, free from all claims and interest of any kind or nature, the amounts necessary to purchase the Lovetts' Participation Interests and to establish an administrative claims reserve as directed below. Any released interest in such sale proceeds shall attach as a first-priority lien to the remaining acreage of the Property titled to the Receiver.

3. That upon this Order becoming final and not subject to appeal, the Receiver shall:

a. return to the City of Warwick any and all documents that would have effectuated a reconveyance of the City Parcel;

b. pay to the Lovetts the sum of \$4,178,528.75, representing the Lovetts' Participation Interests after having deducted therefrom 50.02% of the administrative expenses associated with the Property calculated by the Receiver to be \$9,198,211.85 through September 30, 2008 (the "Administrative Expenses");

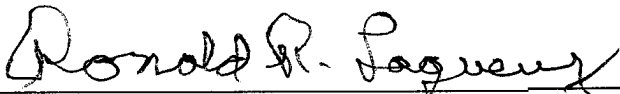
c. establish a reserve administrative claim fund in the amount of \$220,000.00 for any unliquidated or unknown administrative claims for goods, services or any other charge or expense of any kind or nature related to the Property that accrued prior to August 15, 2008, and for which application for payment has not been made and/or approved by the Receiver or the Court;

d. on or before August 30, 2008, file with the Court a Motion seeking an administrative claims bar date and procedure for goods, services or any other charge or expense of any kind or nature related to the Property that have accrued prior to August 15, 2008; and

e. pay to the Lovetts an amount equal to 50.02% of any amount that the Administrative Expenses are reduced by virtue of the determination of any unliquidated or unknown administrative claims through a Court approved claims bar procedure.

4. That the Receiver is hereby authorized to execute and deliver such documents as are necessary to comply with the terms of this Order and is further granted leave to take all actions necessary to conclude and finalize the sale of the City Parcel and the purchase of the Lovetts' Participation Interests without further order of this Court.

SO ORDERED



THE HONORABLE RONALD LAGUEUX
SENIOR UNITED STATES DISTRICT COURT JUDGE
8/12/08